

## ARTICLE II

### DEFINITIONS

#### SECTION I

##### INTERPRETATION OF WORDS AND TERMS

Unless otherwise stipulated or required, the following definitions shall be used in the interpretation and construction of this ordinance, and words used in the present tense include the future, shall include the plural, and the singular; and the word "building" shall mean as well the word "structure"; the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used," and the word "shall" is mandatory and not directory.

**ABANDONMENT:** The relinquishment of property, or a cessation of the use of the property, for a period of six (6) months.

**ABUT:** To physically touch or border upon; or to share a common property line.

**ACCELERATION LANE:** An added roadway lane which permits integration and merging of slower moving vehicles into the main vehicular stream.

**ACCESS:** A way or means of approach to provide physical entrance to a property.

**ACCESSORY USE OR STRUCTURE:** A use or structure customarily incidental, appropriate, and subordinate to the principal use of a building or to the principal use of land and which is located upon the same lot therewith.

**ADDITION:** A structure added to the original structure at some time after the completion of the original.

**ADVERTISING SIGN OR STRUCTURE:** Any material or structure of any character whatsoever, placed for outdoor advertising purposes. The term "placed" shall include making visible in any manner whatsoever. The area of the advertising structure shall be determined as the area of the largest cross section of the structure. Neither directional, warning, or other signs posted by Public Officials in the course of their public duties, shall be construed as advertising signs for the purpose of this Code.

**AGRICULTURE:** The use of land for purposes including farming, dairying, pasturage, horticulture, animal and poultry husbandry, and the necessary accessory uses for treating or storing of the produce and parking of the equipment; provided, however, that the operation of any such accessory use shall be secondary to that of normal agricultural activities and shall not include:

- a. Retail commercial activity;
- b. Stockyards or commercial feed lots for cattle, swine, or sheep; or
- c. The storage of vehicles or equipment for retail commercial purposes.

**AIRPORT/HELIPORT:** A place where aircraft can land and depart, usually equipped with landing field facilities for refueling and repair, and various accommodations for passengers.

**AISLE (PARKING):** The traveled way by which cars enter and depart parking spaces.

**ALLEY:** A minor right-of-way, dedicated to public use, not more than thirty (30) feet wide, affording a secondary means of access to abutting property and not intended for general traffic circulation.

**AMUSEMENT & RECREATION SERVICES/USE:** Establishments engaged in providing amusement or entertainment for a fee or admission charge and including such activities as dance halls; studios; theatrical productions; bands, orchestras, and other musical entertainment; bowling alleys and billiard and pool establishments; commercial sports such as arenas, rings, racetracks, public golf courses and coin-operated devices; amusement parks; membership sports and recreation clubs; amusement and bathing beaches, swimming pools; riding academies; carnival operations; expositions; game parlors and horse shows.

**AMUSEMENT PARK:** An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

**ANIMAL CLINIC & VETERINARIAN OFFICE:** An office or a clinic of a veterinarian where small animals or household pets are given medical, surgical, or health maintenance treatment. The boarding of animals is limited to short-term care incidental to the treatment clinic and must be a secondary use of the property.

**ANIMAL HOSPITAL:** A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

**ANIMAL KENNEL:** See Kennels

**APARTMENT GARDEN HIGH RISES, CONDOMINIUM:** See Dwelling

**ART GALLERY (PUBLIC):** See Library & Specific Use Permit

**ARTERIAL STREET:** A street designated as a major street on the Major Street Plan, and intended to carry traffic between various portions of the City.

**AUTOMOBILE OR TRAILER SALES AREA:** Any area, other than a street, used for the display, sales or rental of new or used motor vehicles, trailers or recreational vehicles.

**AUTOMOBILE REPAIR, MAJOR:** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision repair services including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

**AUTOMOBILE REPAIR MINOR:** Incidental replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1-1/2) ton capacity, generally in an enclosed area and as a secondary use.

**AUTOMOBILE SERVICE STATION OR FILLING STATION:** Any area used for retail sale of gasoline or oil fuels, or automobile accessories and incidental services including facilities for lubricating, washing, and cleaning, but not including painting and major repair,

**AUTOMOBILE WASH OR AUTOMATIC CAR WASH:** A building, structure or equipment such as chain conveyors, blowers, steam cleaners and other mechanical devices used primarily for the purpose of washing motor vehicles.

**AUTOMOBILE WRECKING/SALVAGE YARD:** Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk. (Also refer to Junk Yard.)

**BAR:** A structure or part of a structure used primarily for the sale or dispensing of alcoholic beverages or liquor by the drink.

**BASE FLOOD ELEVATION:** The highest elevation, expressed in feet above sea level, of the level of flood waters occurring in the regulatory base flood.

**BASE MAP:** A map having sufficient points of reference, such as state, county or municipal boundary lines, streets, easements, and other selected physical features to allow the plotting of other data.

**BED AND BREAKFAST INN:** One building containing no more than eight (8) sleeping rooms which are occupied or intended or designed to be occupied as the temporary abiding place of persons who are lodged with or without meals, for compensation, but not including a trailer court or camp, hospital, asylum, orphanage, or building where persons are housed under restraint.  
(Ord #2223, adopted 7/19/99)

**BEDROOM:** A private room appropriate for sleeping, with a closet, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom or living room.

**BILLBOARD:** See Sign, Billboard.

**BLOCK:** A property abutting on one side of the street between two (2) intersecting streets or a street and a railroad right-of-way or watercourse.

**BOARDING HOME FOR SHELTERED CARE:** A profit or nonprofit boarding home, rest

home, or other home for the sheltered care of persons which, in addition to providing food and shelter to three or more persons unrelated to the proprietor, also provides any personal care or service beyond food, shelter and laundry.

**BOARDING HOUSE AND ROOMING HOUSE:** A building arranged or used for lodging, with or without meals, for compensation and not occupied as a single family unit.

**BUFFER ZONE:** A zoning district permitting transitional uses.

**BUILDING:** Any structure having a roof, supported by columns or walls, used or intended to be used for the shelter of or enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as herein provided. This definition excludes canopies which (a) are unattached from principal structures (b) do not exceed 3,000 square feet in roof area per establishment, and (c) are so located so as not to encroach upon any utility easement nor to be closer than twenty feet to any street right-of-way.

**(Ord. 1711, adopted 7/6/92)**

**BUILDING, ACCESSORY:** A subordinate building, the use of which is customarily incident to that of a principal building on the same lot.

**BUILDING AREA:** The total ground area covered by an enclosed building, plus the total area of all covered open spaces at ground level, measured from the faces of exterior walls and columns at the mean grade level of each building.

**BUILDING COVERAGE:** The land area covered by all buildings on a lot, including all projections except eaves.

**BUILDING HEIGHT:** The vertical distance of a building measured from the average elevation of the finished grade, within six (6) feet of the structure, to the highest point of the roof.

**BUILDING LINE OR SETBACK LINE:** The line outside the right-of-way of a street beyond which no building or part thereof shall project, except as otherwise provided by law. This line is established in general parallel to a street line on which no part of a building shall project, except as otherwise provided by this Ordinance.

**BUILDING PERMIT:** Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

**BUILDING, PRINCIPAL:** A building in which is conducted the principal use of the building site on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the building site upon which the same is located.

**BULK AND AREA CONTROLS:** Controls of this Code relating to: (1) lot areas, land areas,

building areas, and their relationships; (2) yard area and building height and their relationships; and (3) open space and its allocation to various open space uses,

**BUS TERMINAL:** Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

**BUSINESS USE AND SERVICES:** Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance; employment service, management and consulting services, protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

**CAMPGROUND:** A parcel of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

**CANOPY:** A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

**CEMETERY:** Land used or intended to be used for the burial of the human dead and designated for cemetery purposes.

**CERTIFICATE OF OCCUPANCY:** A document allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

**CHILD CARE CENTER:** Any place or institution which receive six (6) or more children under the age of sixteen (16) years, for regular periods of time for compensation; provided, however, this definition shall not include public and private schools, organized, operated or approved under the laws of the State, custody of children fixed by a court, children related by blood, or marriage within the third degree to the custodial person, or to churches or other religious or public institutional buildings while their parents or legal guardians are attending services, meetings, or classes and other institutional activities.

**CHURCH:** A building or structure or groups of buildings or structures, which by design and construction, are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

**CIRCULATION:** Systems, structures and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits and the handling of people and goods by such means as terminals, stations, warehouses and other storage buildings or transshipment points.

**CITY PLANNING:** The decision making process in which goals and objectives are established, existing resources and conditions analyzed, strategies developed and controls

enacted to achieve the goals and objectives as they relate to city and community.

**CLINIC (MEDICAL):** A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those in need of surgical or medical attention but who are not provided with board and room or kept overnight on the premises.

**CLUB:** A nonprofit association of persons who are bona fide members, paying regular dues, and organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**COLLEGE, UNIVERSITY OR SCHOOL (public or private):** An academic institution, including parochial elementary and secondary schools and institutions of higher learning.

**COMMERCIAL USE:** Activity carried out for pecuniary gain.

**COMPREHENSIVE PLAN:** The Comprehensive Plan of the City of Broken Arrow, Oklahoma, as adopted by the City Council, and all revisions thereto.

**CONDOMINIUM:** A building or group of buildings, in which units are individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

**CONVALESCENT HOME:** See Nursing Home.

**CURB CUT:** The opening along the curb line or the edge of a roadway at which point vehicles may access a roadway.

**DAY CARE CENTER/NURSERY:** A private establishment enrolling five or more children between 2 & 5 years of age and where tuition, fees, or other forms of compensation for the care of the children is charged and having a license or approval to operate as a child care center, under the provisions of the State of Oklahoma.

**DECELERATION LANE:** An added roadway lane that permits cars to slow down and leave the main vehicle stream.

**DENSITY:** The number of households or dwelling units per unit of land.

**DISTRICTS:** A portion of the territory of the City of Broken Arrow within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Code. "Districts" as defined herein, shall be the same as zoning districts which are defined and mapped under authority of this Code.

**DORMITORY:** A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery or other similar institutional use.

**DRAINAGE:** (1) Surface water runoff; (2) the removal of surface water or ground water from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development and the prevention or alleviation of flooding.

**DRIVEWAY:** A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

**DUPLEX:** See Dwelling, Two-Family.

**DWELLING:** Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, travel trailer, tourist home, boarding or rooming house, hotel or motel. The term "dwelling" comprises single-family dwellings, mobile homes, multi-family dwellings and two-family dwellings.

**DWELLING, ATTACHED:** A dwelling having any portion of one or more walls in common with adjoining dwellings.

**DWELLING, DETACHED:** A dwelling having open space on all sides.

**DWELLING, MULTIPLE:** A dwelling designed for occupancy by three or more families.

**DWELLING, SINGLE-FAMILY:** A dwelling designed for or used by one family.

**DWELLING, TOWNHOUSE OR ROWHOUSE:** Three or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.

**DWELLING, TWO-FAMILY:** A dwelling designed for or used by two families living independently of each other.

**DWELLING UNIT (sometimes abbreviated DU):** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping and cooking by one or more individuals living together. In quarters such as a dormitory or rooming house, the facilities designed for the use of every three (3) persons shall be counted as a dwelling unit.

**DWELLING, ZERO-LOT LINE:** A detached dwelling which has only one side yard.

**ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance by public utility or governmental agencies, of underground or overhead gas, electrical, stream or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call

boxes, traffic signals, hydrants, and other similar equipment and accessories thereof; reasonably necessary for the furnishing of adequate services by such public utilities or governmental agencies or for the Public Health or Safety or General Welfare, but not including buildings.

**EXISTING USE:** The use of a lot or structure at the time of the enactment of the Zoning Code.

**EXTENDED CARE FACILITY:** A long-term facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged or a governmental medical institution.

**FAMILY:** a) An individual or two or more persons related by blood or marriage, or b) a group of not more than three persons who need not be related by blood or marriage, living together as a single housekeeping unit in dwelling unit. In addition, “family” shall also include a c) community-based residential facility that admits no more than six (6) persons with developmental or physical disabilities who require specialized living arrangements and that provides for such persons as a single housekeeping unit that is subject to the care and supervision of a responsible adult, and which facility is licensed by or contracting with the State Department of Human Services.

**(Ord 2114, adopted 12/15/97)**

**FENCE:** An artificially constructed structure of any material or combination of materials erected as a barrier to enclose or screen areas of land.

**FLOOD:** The temporary overflowing of water onto land which is usually devoid of surface water.

**FLOODPLAIN:** The channel and the relatively flat area adjoining the channel of a natural stream or river, which has been or may be covered by floodwater.

**FLOOD, REGULATORY:** The channel and the adjacent land areas that must be reserved in order to discharge the regulatory flood without cumulatively increasing the water surface elevation more than two tenths of one foot.

**FLOODWAY:** The channel of a watercourse or stream and portions of the adjoining floodplain which are reasonably required to carry and discharge the base flood.

**FLOODWAY, URBAN SUPPLEMENTAL DESIGNATION:**

**FLOOR AREA:** The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings.

**FRONTAGE:** The width of a lot measured at right angles to the depth at the front or street side of the lot.



**FRONT LOT LINE:** The lot line separating a lot from a street right-of-way.

**FRONT YARD:** A space extending the full width of the lot between any building and the front lot line.

**GARAGE APARTMENT:** A dwelling erected or converted as a part of a private garage.

**GARAGE, PARKING:** Any building or portion thereof used for the storage of four (4) or more automobiles in which any servicing that may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided.

**GARAGE PRIVATE:** A detached accessory building or a portion of the principal building used or intended for use by the occupants of the premises for storage of passenger vehicles or trailers.

**GARAGE, REPAIR:** A building in which are provided facilities for the care, servicing, repair or equipping of automobiles.

**GRADE:** The degree of rise or descent of a sloping surface.

**GROUP CARE FACILITY:** A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. A group care facility may include half-way houses; recovery homes; and homes for orphans, foster children, the elderly, the handicapped, battered children and women. It also could include a specialized treatment facility providing less than primary health care.

**GROUP FAMILY HOUSEHOLD:** A group of individuals not related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

**HEALTH CARE FACILITY:** A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease, hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, or other home for sheltered care and bioanalytical laboratory or central services facility serving one or more such institutions but excluding institutions that provide healing solely by prayer.

**HEIGHT:** The vertical measurement of any building or structure on any parcel of land measured from the mean elevation of the lot or parcel to the uppermost point on the structure or building.

**HOME OCCUPATION:** Any occupation engaged in only by the family or person occupying the dwelling as a private residence. No person shall be employed in the home other than a

member of the immediate family residing on the premise. No signs, display or advertising on premises, visible from outside the lot, shall be permitted. The home occupation shall be conducted entirely within an enclosed principal building or customary accessory building. No mechanical equipment shall be used which creates noise, dust, odor or electrical disturbance. No exterior alterations of the structure shall be made which would detract from the residential character of the structure. Home occupations shall not be of a type to generate excessive vehicular activity.

**HOSPITAL:** A building or portion thereof for the accommodation of sick, injured or infirm persons.

**HOTEL & MOTEL:** A building or group of buildings containing nine (9) or more sleeping rooms which are occupied or intended or designed to be occupied as the temporary abiding place of persons who are lodged with or without meals, for compensation, but not including trailer court or camp, hospital, asylum, orphanage, or building where persons are housed under restraint. In contrast, see "Bed and Breakfast Inn."  
(Ord #2223, adopted 7/19/99)

**HOUSE TRAILER:** See Mobile Home.

**HOUSEHOLD:** A family living together in a single dwelling unit, with common access to and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

**HOUSING UNIT:** See Dwelling Unit.

**INDUSTRIAL PARK:** A tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs,, aesthetics, and compatibility.

**INDUSTRY:** Storage, repair, manufacture, preparation or treatment of any article, substance or commodity for commercial use.

**INSTITUTIONAL USES:** Those uses organized, established, used or intended for the promotion of public, religious, educational, charitable, cultural, social or philanthropic activities and normally operated on a nonprofit bases.

**JUNK OR SALVAGE YARD:** A place where waste, discarded or salvage materials are bought, sold, exchanged, bailed, packed, disassembled or handled, including all wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition or salvage material incidental to manufacturing operations. Also

refer to Automobile Wrecking/Salvage Yard.

**KENNEL:** Any structure or premise on which five (5) or more domestic animals over five (5) months of age are kept. Also, any structure or premises on which five (5) or more domestic animals, the majority of which are under five months of age are kept, which such animals are of the same species but are not related within three degrees. Among the domestic animals counted for this purpose shall be dogs, cats, miniature pigs, or any combination thereof.

**(Ord. 1876, adopted 8/1/94)**

**LANDFILL:** A planned and approved method or system of waste disposal in which the waste is disposed or buried in layers, compacted by earth or other approved methods, also known as sanitary landfill, such uses must be approved by the City and State.

**LAND USE PLAN:** An element of the Comprehensive Plan showing the existing and proposed location, extent and intensity of development of land to be used in the future of varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes.

**LANDSCAPE:** (1) An expanse of natural scenery; (2) the addition of lawns, trees, plants and other natural and decorative features to land.

**LIBRARY, ART GALLERY, OR MUSEUM (public):** Any institution for the loan or display of books, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.

**LOADING SPACE:** An off-street or berth on the same lot with the building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**LOT:** a. Any parcel of land occupied or intended to be occupied by one building, and its accessory buildings and uses, including such open spaces as are required by the Code and other laws, and having its principal frontage on a street. b. A parcel of land in a subdivision plat, separated from other parcels or portions by description, such as on a subdivision or record of survey map or by metes and bounds, for the purpose of sale to or lease to or separate use of another.

**LOT AREA:** The total horizontal area within the boundary lines of a lot.

**LOT AREA BUILDABLE:** The area of a zoning lot, less all areas in required yards or in front of building setback lines.

**LOT BOUNDARY:** A lot in a subdivision, which has one or more boundaries in common with the subdivision.

**LOT COVERAGE:** That portion of a lot which, when viewed directly from above, would be covered by a building or any part of a building.

**LOT, CORNER:** A lot at the junction of and abutting on two (2) or more intersecting streets.

**LOT DEPTH:** The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

**LOT, INTERIOR:** A lot, which does not abut on two (2) or more intersecting streets.

**LOT, WEDGE SHAPED:** A lot located on a curve or situated so that the front and rear boundaries are unequal or disproportionate.

**LOT OF RECORD:** A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Tulsa or Wagoner County, or a parcel of land the deed of which was of record as of the effective date of this ordinance.

**LOT WIDTH-FRONTAGE:** The width of a lot measured at right angles to the depth at the front or street side of the lot.

**MAJOR STREET AND HIGHWAY PLAN:** The official thoroughfare or Major Street Plan as shown on the Comprehensive Plan Map for the City of Broken Arrow, as adopted by the City Council together with all amendments.

**MANUFACTURING:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquids.

**MARQUEE:** Any hood, canopy, awning or permanent construction, which projects from a wall of a building, usually above an entrance.

**MASTER PLAN:** See Comprehensive Plan.

**MAXIMUM COVERAGE:** The maximum amount of land that may be covered by buildings on any lot.

**MEAN LOT ELEVATION:** The average elevation of a lot.

**MOBILE HOME:** A structure, transportable in one or more sections, which is at least eight feet in width and thirty-two feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation.

**MOBILE HOME LOT:** A parcel of land for the exclusive use of the occupants of a single mobile home.

**MOBILE HOME PARK:** A site with required improvements and utilities for the long term parking of mobile homes, which may include services and facilities for the residents.

**MOBILE HOME STAND/PAD:** That part of an individual lot, which has been reserved for the placement of the mobile home.

**MODULAR HOME:** Any walled structure used as a dwelling, and constructed in a factory, but;  
a. lacking a chassis; and,  
b. designed for use as an individual building or in combination with other elements to form a building, and intended to be located only upon a permanent foundation.

**MOTEL:** See Hotel.

**MUSEUM (Public):** See Library and Specific Use Permit

**NON-CONFORMING LOT:** A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this Zoning Code, but which fails by reason of this adoption, revision or amendment to conform to the present requirements of the zoning district.

**NON-CONFORMING STRUCTURE OR BUILDING:** A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to the Zoning Code, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

**NON-CONFORMING USE:** A structure or land which is occupied by a use that does not conform to the current use regulations of the district in which it is situated.

**NURSERY:** Land or green houses used to raise flowers, shrubs and plants for sale.

**NURSERY SCHOOL:** See Day Care Center.

**NURSING HOME:** An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

**OCCUPANCY PERMIT:** See Certificate of Occupancy.

**OFFICE:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

**OFFICE AT HOME:** A home occupation in which a part of a dwelling unit is used primarily as the resident's office.

**OFF-STREET LOADING:** The provision of spaces or berths entirely within the property boundaries of the affected property and public streets reserved exclusively for the loading or unloading of motor vehicles.

**OPEN SPACE:** Area included in any side, rear, or front yard or any other unoccupied space, on a lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves, or porches.

**OUTDOOR STORAGE:** The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four hours.

**OVERHANG:** (1) The part of a roof or wall which extends beyond the facade of a lower wall; (2) the portion of a vehicle extending beyond the wheel stops or curb.

**PARCEL:** Any distinct portion of land which is under consideration, typically consisting of one or more assembled lots, or portions thereof.

**PERMITTED USES:** The use of a building or other structure or of a tract of land, which does conform to the use regulations of this Code.

**PLANNED UNIT DEVELOPMENT (PUD):** A form of development characterized by a unified site design for a number of housing units and/or cluster buildings, and providing common open space, net density increases and/or a mix of building types and land uses. Such common open space must be an essential and major element of the plan, which is related to and effects the long term value of the development also as described in the PUD provisions of this Zoning Code.

**PLAT:** (1) A map representing a tract of land, showing the boundaries and location of individual properties and streets; (2) a map of a subdivision or site plan.

**RECREATION VEHICLES:** A vehicular type portable structure or equipment, without permanent foundation, which can be towed, hauled or driven and primarily designed for recreational purposes or temporary living accommodations for recreation, camping, boating, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, self-propelled or other type motor homes, boats, house/pontoon boats, jet skis, hydrofoils, hovercrafts, etc.

**RECREATION VEHICLE CAMPGROUND OR PARK:** Any plot or parcel of real estate upon which two or more recreational vehicles sites are located, estate upon which two or more recreational vehicles sites are located, established, maintained or occupied for dwelling or sleeping purposes for the general public as temporary (not to exceed 14 days) living quarters for recreation or vacation purposes regardless of whether a charge is made for such accommodation. (Ord 2362, adopted 5-21-01)

**RESIDENTIAL DENSITY:** The number of dwelling units per acre of residential land.

**RESIDENCE, ONE-FAMILY:** The building designed for or used exclusively for residence

purposes by one family or one housekeeping unit.

**RESIDENCE, TWO FAMILY:** A building designed for or used exclusively for residence purposes by two families or two housekeeping units.

**RESIDENCE, MULTI-FAMILY:** A building or portion thereof used by three or more families or three or more housekeeping units.

**RIGHT-OF-WAY:** (1) A strip of land acquired by reservation, gift, purchase, dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, utility lines, electric transmission lines, oil or gas pipeline, water line, sanitary and storm sewer and other similar uses; (2) generally, the right of one to pass over the property of another.

**SALVAGE YARD:** See Junk Yard or Automobile Wrecking/Salvage Yard.

**SCREENING WALL:** A wall fence for the purpose of screening activities conducted in a lot of view from the normal level of a first story window or abutting lot.

**SERVICE STATION:** See Automobile Service Station or Filling station.

**SETBACK LINE:** See Building Line or Setback Line.

**SEXUAL CONDUCT:** a) The fondling of or other touching of human genitals, pubic region, buttocks, or female breasts; b) Ultimate sex acts, whether normal or perverted, whether actual or simulated, including intercourse, oral copulation, or sodomy; c) Masturbation; and, d) Excretory functions as a part of or in connection with any of the activities set forth in a) through c).

**SEXUALLY-ORIENTED BUSINESS:** a) amusement or entertainment businesses which are distinguished or characterized by an emphasis on acts or on materials depicting, describing or relating to Sexual Conduct or Specified Anatomical Areas as defined in this Code, including but not limited to topless or bottomless dancers, strippers, male or female impersonators, or similar entertainment; b) an establishment having as a significant portion of its stock in trade books, film, tape, photographs, magazines, or other periodicals which are distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or Specified Anatomical Areas; c) an

enclosed building used for presenting material in a theater, or theater formats which is distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or Specified Anatomical Areas; d) a motel wherein material is presented, as a part of the motel services, via closed circuit T.V. or otherwise, which is distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or Specified Anatomical Areas; e) any arcade or similar facility to which the public is permitted or invited to make use of coin-operated or slug operated or electronically, electrically or mechanically controlled, still or motion picture machines, projectors, or other image-producing devices which are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or

Specified Anatomical Areas; f) any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment of manipulation of the human body occurs as part of or in connection with Sexual Conduct; also, any place where any person providing any such treatment, manipulation or service related thereto, exposes Specified Anatomical Areas; g) any place, other than a university or college art class, where, for any form of consideration or gratuity, figure models who display Specified Anatomical Areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity; h) any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by, employees, devices, or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron in Sexual Conduct.

**SHELTER:** Protective structures for occasional emergency situations, including air raid, fallout and storm shelters.

**SIGHT TRIANGLE:** An area of land located adjacent to the intersection of two (2) or more streets, which area of land is bounded by a line measured from the center of a connecting street and extended along the curb line of a corner lot for a distance of seventy-five feet, to an end point to form one boundary of the triangle; and bounded by a line measured from the center of the second connecting street and extended along the second curb line of the corner lot for the triangle; and bounded by a straight line connecting the two (2) end points of the first two (2) boundaries. This triangle has been determined for regulatory purposes to be sufficient for the drivers of two (2) vehicles traveling at 25 miles per hour or less and approaching an uncontrolled intersection on separate, interconnecting, level and dry streets to view each other and take appropriate actions safely, this triangle has also been determined for regulatory purposes to be sufficient for pedestrian traffic which may be augmented by toys such as roller skates, skateboards, sleds and similar devices.

**SIGN:** Any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, banner, flag, pennant, insignia, decoration, device or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention-directing device. A sign shall not include a similar structure or device located within a building. A sign includes any billboards, but does not include the flag, pennant, or insignia of any nation or association of nations, or any state, city or other political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement or event.

**SIGN, ACCESSORY:** A bulletin board, business sign, identification sign, nameplate, real estate sign, or subdivision sign.



**SIGN AREA OR DISPLAY SURFACE:** The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure, upon, against or through which the message is displayed or illustrated. The display surface area will include the net geometric area enclosed by the display surface of the sign including the outer extremities of all letter, figures, characters and delineations; provided, however, display surface area shall not include the structural supports for free-standing signs if said structural supports are not arranged to become a part of the attention-attracting aspects of the sign; provided further, that one face of a double-faced sign shall be included in the computation of display surface area, so long as both faces are parallel and the distance between the faces does not exceed two (2) feet.

**SIGN, BILLBOARD:** A sign structure which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**SIGN, CONSTRUCTION:** A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supports, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.

**SIGN, DIRECTIONAL:** Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."

**SIGN, HIGHWAY FRONTAGE:** The linear distance of a lot as measured at the property line immediately adjacent to and parallel to designated State & Federal Highways.

**SIGN, IDENTIFICATION:** Any sign solely used to identify the building, business or street address of the business located on the same property as the sign. Also, included are construction signs, real estate signs, and signs of a warning or instructional nature such as entrance, exit or restroom signs.

**SIGN, ILLUMINATED:** A sign designated to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial.

**SIGN, MOBILE:** A sign which is not permanently attached to the ground, a structure, or any other sign and, which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a self-propelled or towed vehicle. Such signs shall include, but not be limited to, benches, mobile advertising signs attached to a truck, chassis, detachable vehicle trailer, or other such mobile signs, but shall not include signs painted or otherwise inscribed on a self-propelled vehicle or towed vehicle.

**SIGN, PERMANENT GROUND:** Any sign supported by uprights or braces, placed in or upon the ground and not attached to a building, designed to last longer than sixty (60) days, or any sign which is not otherwise separately defined within this section.

**SIGN, POLITICAL:** A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

**SIGN, PROJECTING:** Any sign affixed to a building (including but not limited to the canopy of a building) which extends horizontally more than 12 inches from the wall of the building and which does not extend above the mean height of the roof.

**SIGNS, REAL ESTATE:** A temporary ground sign advertising the sale, rental or lease of the premises.

**SIGN, ROOF:** Any sign, which is affixed to any portion of a building, which sign extends above the mean height of a roof.

**SIGN, PUBLIC:** Any sign which is, or which forms a part of a traffic control device; any sign placed by a governmental entity which warns of dangerous conditions, such as detours, road construction, children at play, or school crossings; street name signs and neighborhood watch signs; signs placed in appropriate easements which merely identify the location and direction of governmental or franchised utilities, or the dangers associated therewith; legal notices.

**SIGNS, TEMPORARY:** Any impermanent sign not classified as a mobile sign that is to be displayed for not more than thirty (30) days, including but not limited to such signs as banners, pennants, lightweight signs of cardboard, plastic and paper materials. This also includes air-supported signs, such as hot air or helium balloons, and all other inflatable devices, whether or not such devices display lettering or graphics.

**SIGN, WALL:** A sign affixed to a building wall, which does not project horizontally more than 12" from the wall not to extend above the height of the wall.

**SITE PLAN:** The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures, parking and signs, lighting and screening devices, and other information that reasonably may be required in order that an informed decision can be made by the Staff and Planning Commission.

**SPECIFIC USE PERMIT:** A permit approved and issued for use or development, which must be acquired before a specific use can be constructed or started:

**ANIMAL HOSPITAL:** (See Animal Hospital)

**ART GALLERY, LIBRARY, OR MUSEUM:** Any institution for the loan or display of books, objects of art or science which is sponsored by a public or quasi-public agency and which institution is open and available to the general public.

**COLLEGE UNIVERSITY OR SCHOOL (private):** An academic institution, including parochial elementary and secondary schools and institutions of higher learning.

**COMMUNITY CENTER (private):** A building or group of rooms, which may be designed and used as an integral part of a residential project or Planned Unit Development by the tenants of such a project for a place of meeting, recreation or social activity and under the management and unified control of the operators of the project.

**COUNTRY CLUB, PRIVATE MEMBERSHIP:** An area of twenty-five (25) acres or more containing, but not limited to, a golf course and a club house and available only to a private specific membership. Such a club may contain as adjunct facilities, a private club and dining room, swimming pool, tennis courts and similar service and recreation facilities.

**GROUP HOMES:** (See Group Care Facility and Group Family Household)

**INSTITUTION OF A RELIGIOUS CHARITABLE OR PHILANTHROPIC NATURE:** Buildings, grounds and activities sponsored or operated by organizations established for religious or philanthropic purposes including orphan homes, homes for the aged, resident homes for indigent or handicapped, training and education facilities and similar establishments,

**NURSING HOME OR RESIDENCE HOME FOR THE AGED:** (See Nursing Home)

**OUTDOOR RECREATION FACILITIES:** All areas used for outdoor recreation by the general public or private groups or individuals. Uses such as amphitheaters, outdoor arenas, stadiums, drive-in theaters, golf driving ranges, sports and athletic fields, and tracts are included in such facilities. These uses can be permitted upon review, and buildings of the permit include the right to construct or enclose buildings within the use area. All buildings and accessory structures for these uses must comply with the site plan review process and be in conformity with the applicable laws in order to be permitted.

**RECREATION CLUBS OR AREAS, PRIVATE:** A building, park or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization and which may contain the normal active and passive facilities as provided in a public park or playground. This may also include a club in which there is restricted membership and which may include private tennis courts, swimming pools or similar recreation facilities, none of which are available to the general public.

**STADIUM:** A large, self-contained, open or enclosed place used for games and other events and partly or completely surrounded by tiers of seats for spectators.

**SPECIFIED ANATOMICAL AREAS (Related to Sexual Conduct & Sexually-Oriented Business:** a) Human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola, and b) human male genitals in a discernable turgid state, even if completely and opaquely covered.

**SPOT ZONING:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the Comprehensive Plan.

**STORY:** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each fourteen feet or fraction thereof.

**STRUCTURE:** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. The term includes but is not limited to, buildings, walls, fences, signs, swimming pools, transmitting or receiving communication towers.

**STRUCTURE, ACCESSORY:** A structure detached from and subordinate to a principal structure on the same lot and used for purposes customarily accessory to those of the principal structure. If a structure is attached to a principal structure by a common wall or roof, it shall be considered a part of the principal structure.

**STRUCTURE, PRINCIPAL:** The structure on a parcel of land designed or used to accommodate the principal use to which the parcel is devoted.

**SUBDIVISION:** The division of a lot, tract or parcel of land into five (5) or more lots, tracts, parcels or other divisions of land for sale, development or lease.

**SUPPLEMENTAL DESIGNATION:** An overlay which appears on the zoning map of the City. This overlay may affect all or some portions of one or more zoning districts. Overlays do not permit uses which are forbidden by the underlining zoning districts, but may alter or limit the way such uses are implemented.

**SURVEY:** The process of precisely ascertaining the area, topography, dimensions and location of a parcel of land, as drawn to scale.

**TEMPORARY BUILDING OR STRUCTURE:** Any building or structure on skids or not permanently attached to a foundation.

**TOURIST COURT:** See Hotels & Motels.

**TRAFFIC SIGNALLING DEVICE:** A sign, device or mechanical contrivance used for the control of motor vehicular and pedestrian movement.

**TRAVEL TRAILER PARK:** A tract of land used or designed for the temporary placement of two or more travel trailers.

**TRAVEL TRAILER/RV MOTOR HOME:** See Recreation Vehicles.

**USE:** 1) Any purpose for which a building or other structure, or a parcel of land may be designed, arranged, intended, maintained, or occupied; or 2) Any activity or occupation on, or intended to be carried on a parcel of land.

**UTILITY:** Electric, gas, pipeline, sewer, telephone, telegraph, water, cable television, or similar services provided by entities which are either authorized to exercise the right of eminent domain, or which have a franchise or nonexclusive permit, to use or occupy any portion of public right-of-way in a manner not permitted to the general public.

**UTILITY SERVICE INSTALLATION:** Any structure or installation by a utility company deemed to be necessary for the safe or efficient operation of that utility.

**VARIANCE:** Any modification of the physical terms of this Code.

**VETERINARIAN:** See Animal Clinic/Hospital.

**WAREHOUSE:** Terminal facilities for handling freight with or without maintenance facilities.

**WHOLESALE TRADE:** Establishments or places of business primarily engaged in selling

merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**YARD:** An open space on the same lot with a building or other structure, unoccupied and unobstructed vertically from its lowest level to the sky, except as otherwise permitted in this Code.

**YARD, FRONT:** An open space extending the full width of the lot between the building line and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Code,

**YARD, REAR:** An open space extending the full width of the lot between the building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Code.

**YARD REQUIREMENTS:** The minimum requirements of any zoning district which provides for front yards, side yards, rear yards, or any other open space on any lot or parcel.

**YARD, SIDE:** An open space extending from the front yard to the rear yard between the building and the nearest side property line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Code.

**YARD, SIDE, EXTERIOR:** A parcel platted or laid out with frontage on intersecting streets which has an exterior side yard on the side abutting the street which intersects the frontage street.

**YARD, SIDE, INTERIOR:** Interior side yards which do not abut streets.

**ZERO LOT LINE:** The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

**ZONE:** A specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

**ZONING CLEARANCE PERMIT:** A document issued by the City Manager or his designated representative, certifying buildings, structures or uses are consistent with the terms of this Code and for the purpose of carrying out and enforcing its provisions.

**ZONING MAP:** The map or maps of the City, which graphically display all or any portion of the zoning districts of the City, together with all amendments subsequently adopted.